IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.419 of 2006
Date of Decision:- 14.11.2006

Darshan Lal ....Petitioner

through
Mr.B.K.Bagri, Advocate

vs.

Sh.N.K.Jain & ors. ....Respondents

through
Mr.R.D.Sharma, DAG, Haryana

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner has filed C.W.P.No.1421 of 2006. While admitting the said writ petition on 30.1.2006, the same was ordered to be heard along with C.W.P.No.9024 of 2004. The motion Bench further directed that "interim order in the same terms."

In C.W.P.No.9024 of 2004, an interim order dated May 29, 2004 was passed whereby operation of the retrenchment notices dated 14.5.2004 which were appended as Annexures P-4 and P-5 with the writ petition and were issued by Divisional Forest Officer, Production Division, Yamuna Nagar, was stayed with a further direction that the petitioners in that writ petition "shall be allowed to continue on the same post and at the same place where they were working on 14.5.2004."

Alleging that the interim order dated 30.1.2006 passed in the writ petition filed by him is being wilfully breached by the respondents, this contempt petition has been filed.

In response to the show cause notice, respondent No.3 has filed

an affidavit in which a categoric stand has been taken that the petitioner had already left the service in the month of February, 2004 and he having abandoned the job, there was no occasion to serve any retrenchment notice upon whom. To be precise, it is the case of the respondents that the petitioner was not at all in service since February, 2004, more particularly on 30.1.2006 when interim order in the same terms as in C.W.P.No.9024 of 2004 was passed in his favour.

In view of the above-stated categoric stand taken by the respondents, it cannot be said that the respondents have wilfully and deliberately breached the interim order dated 30.1.2006. Consequently, I do not find any merit in this petition which is dismissed, however, with liberty to the petitioner to move an appropriate application before this Court in writ jurisdiction, if so advised.

Rule discharged.

November 14, 2006 **(SURYA KANT)**
poonam **JUDGE**